

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.3220 of 2022

1. Bholeswar Samal

2. Raja @ Amarnath Samal Petitioners

Mr. P.R. Singh, Advocate

-versus-

1. State of Odisha

2. Chakradhar Dash Opp. Parties

*Mr. A.K. Beura,
Addl. Standing Counsel*

**CORAM:
JUSTICE S.K. SAHOO**

**ORDER
05.05.2022**

Order No.

01. This matter is taken up through Hybrid arrangement (video conferencing/physical mode).

Heard the learned counsel for the petitioners and learned counsel for the State.

This is an application under section 438 Cr.P.C. for grant of anticipatory bail to the petitioners in connection with G.R. Case No.1084 of 2020 arising out of Dhenkanal Town P.S. Case No.398 of 2020 pending in the Court of learned S.D.J.M., Dhenkanal for alleged commission of offences under sections 341/294/323/506/34 of the Indian Penal Code.

Perused the F.I.R. and the documents annexed to the anticipatory bail application.

Learned counsel for the petitioners submitted that on completion of investigation, final report was submitted and when notice was issued to the informant, protest petition was filed which was registered as 1.C.C. Case No.41 of 2021 and in that case, non-bailable warrant of arrest has been issued against the petitioners as per order dated 07.10.2021 for which the petitioners are apprehending arrest and further submitted that the offences are triable by Magistrate and the only non-bailable offence is under section 506 of the Indian Penal Code and therefore, the anticipatory bail application of the petitioners may be favourably considered.

Learned counsel for the State opposed the prayer for anticipatory bail.

Considering the submissions made by the learned counsel for the respective parties, the nature of accusation against the petitioners and the offences are triable by Magistrate, I am inclined to release the petitioners on anticipatory bail and accordingly, this Court directs that in the event of arrest of the petitioners in connection with the aforesaid case, they shall be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) each with two sureties each for the like amount to the satisfaction of the arresting officer in pursuance of the N.B.W. issued against them and they shall not, directly or indirectly,

make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court.

Violation of any of the above conditions shall entail cancellation of bail.

The ABLAPL is accordingly disposed of.

Urgent certified copy of this order be granted on proper application.

(S.K. Sahoo)
Judge



RKM